

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KEITH EUGENE WARE, Petitioner, vs. WARDEN BARTLETT, Respondent.	2:21-CV-11118-TGB ORDER TRANSFERRING PETITION TO THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
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Petitioner Keith Eugene Ware has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. (ECF No. 1.) Ware is incarcerated at the Beaumont Medium Correctional Facility in Beaumont, Texas. He is currently serving a 48-month sentence imposed by this Court for conspiracy to commit bank fraud, 18 U.S.C. §§ 1349, 1344, and aggravated identity theft, 18 U.S.C. § 1028A. *See United States v. Ware*, No. 19-cr-20132-001 (judgment of sentence filed on June 26, 2020). In his *pro se* habeas petition, Ware claims the Federal Bureau of Prisons (“BOP”) failed to give him the appropriate sentencing credit on his federal sentence for time spent in jail prior to the date of sentencing.

For the reasons that follow, the Court will transfer the Petition to the United States District Court for the Eastern District of Texas, where

Ware is incarcerated.

A habeas petition under 28 U.S.C. § 2241 must be filed in the district having jurisdiction over the petitioner's custodian. *See Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004) ("The plain language of the habeas statute thus confirms the general rule that for core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement"). Habeas corpus proceedings may occur in a court that is different from the court of conviction. *See Martin v. Perez*, 319 F. 3d 799, 803 (6th Cir. 2003). The fact that Ware was convicted and sentenced in the Eastern District of Michigan does not give this Court jurisdiction over his § 2241 habeas petition, because this Court does not have jurisdiction over the warden of the federal prison where he is incarcerated. *See Robinson v. Morrison*, 27 F. App'x 557 (6th Cir. 2001).

Title 28 U.S.C. § 1631 authorizes the Court to transfer a habeas petition to the federal district court having jurisdiction over a habeas petitioner's custodian. Ware is incarcerated at FCI Beaumont Medium, which is located in the Eastern District of Texas. 28 U.S.C. § 124(c)(2). Thus, this Court will transfer the petition to that federal court.

CONCLUSION

For the reasons stated above, the Clerk of the Court is directed to **TRANSFER** this action to the United States District Court for the

Eastern District of Texas.

IT IS SO ORDERED.

Dated: June 30, 2021 s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE